

tightness. For Asthmatic Conditions * * * Hill's Nose Drops materially lessen the discomfort caused by asthma."

On October 15, 1934, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23249. Adulteration and misbranding of whisky. U. S. v. 6 Cases of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32710. Sample no. 64283-A.)

This case involved a product labeled, "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The package failed to bear on its label a statement of the percentage of alcohol by volume.

On May 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of whisky at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, by the Penn-Maryland Corporation, from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Green River Whiskey—A Blend."

The libel charged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the secondary bottle label, "All Government regulations have been complied with in the manufacture and bottling of this whiskey", and the statement on the main bottle label, "The whiskey blend without a headache", were false and misleading. Misbranding was alleged for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On October 22, 1934, the Penn-Maryland Co., Inc., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23250. Misbranding of Pyro Kil. U. S. v. 24 Bottles of Pyro Kil. Default decree of condemnation and destruction. (F. & D. no. 32771. Sample no. 65792-A.)

This case involved a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On May 28, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of Pyro Kil at Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce, on or about May 27, 1933, by the J-L Manufacturing Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of 0.4 percent of a phenolic substance, approximately 4.6 percent of glycerin, and approximately 95 percent of water.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle label, were false and fraudulent: "Pyro Kil * * * for sufferers of Sore, Spongy and Bleeding Gums, Loose Teeth, Ulcers, Caused by Pyorrhea * * * Directions for Using Moore's Pyro-Kil Treatment Take about one tablespoonful in the mouth, work it thoroughly over the teeth and gums for at last three minutes. If the gums are too sore and tender to use Pyro-Kil full strength dilute with warm water but use full strength as soon as possible. Before expelling massage or brush the gums gently. Do not rinse the mouth with water for some time after using. Apply Pyro-Kil at least four or five times each day for the first two or three weeks, depending on results, after which the use of Pyro-Kil once or twice daily will be sufficient to guard against the further development of disease-producing bacteria. In connection with

the use of Pyro-Kil it is important to have the teeth cleaned and scaled by a dentist so as to remove all tartar or other deposits from the teeth that cause irritation and damage to the gum tissue, and which may be the principle cause for Pyorrhea, sore, bleeding gums, ulcers, etc. * * * Pyro-Kil * * * Formerly called Moore's Pyra-Rid."

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23251. Adulteration and misbranding of whisky. U. S. v. 16 Cases and 15 Cases of Whisky. Decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 32775, 32789. Sample nos. 62049-A, 62050-A.)

These cases involved a product labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The packages failed to bear on their labels a statement of the percentage by volume of alcohol contained in the article. The label of one lot contained unwarranted claims regarding its medicinal properties.

On May 28 and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 cases of whisky at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various shipments between the dates of January 16 and March 7, 1934, by the Frankfort Distilleries, Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Mattingly & Moore Whiskey A Blend * * * Frankfort Distilleries, Incorporated, Louisville, Kentucky, Baltimore, Maryland." The remainder was labeled, "Four Roses Whiskey A Blend."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged with respect to the Four Roses brand for the reason that the statements on the bottle and carton, "An Alcoholic Stimulant", and (carton only) "Notice To Apply the Prescription Sticker Pull This Flap Open", were false and misleading, since they created the impression that the product was medicinal whisky; whereas it was not.

Misbranding of the Mattingly and Moore brand was alleged for the reason that the statements, (bottle) "For Medicinal Purposes" and (carton) "Rx.", were false and misleading; and for the further reason that the following statements on the carton and bottle labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal properties of Whiskey. An Easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods. Beneficial to weakly persons. More especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as coryza, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections." Misbranding of both brands was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On November 22, 1934, H. Grabenheimer & Sons, Inc., New Orleans, La., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

23252. Misbranding of Sirop D'Anis Gauvin Compound. U. S. v. 90 Bottles of Sirop D'Anis Gauvin Compound. Default decree of condemnation and destruction. (F. & D. no. 32799. Sample no. 71636-A.)

This case involved a drug preparation labeled to convey the impression that its chief physiological effects were derived from oil of anise, but which depended chiefly for its effects on the morphine content. The labels were further objectionable in that they contained unwarranted curative and therapeutic